

system, and the court is to create a list not just in the individual judge, but the court is to develop a list of judges who are experienced and competent in their specific fields and work-related injuries and that they're commonly used by injured employees. The compensation court is to establish a fee schedule for their services and the IME renders their medical findings and the medical condition of an employee and a related issue under this section. At the point at which the employee's treating health provider has already treated and has rendered treatment, then you have the dispute on the amount of permanent injury or the amount of temporary injury and you're into a litigation process. If the parties are now litigating, in that case, the parties can agree to using one of these IMEs, the court will give them the list, they'll choose one off the list, that IME will do an examination and render an opinion; that opinion will be binding with respect to the permanency or the temporary injury, the physical restrictions that would be placed on the employee's employment, whether they have reached their medical improvement, whether there is any permanent physical impairment, the reasonable necessity of any medical treatment previously provided or to be provided for the injured worker. And where the two parties have chosen the IME, the IME's word is binding with respect to those issues. Where the two parties who are litigating and disputing this permanent or temporary disability, they will both have their own lawyers and their own doctors and those doctors will have their own opinions, but they must also submit to the IME who will render a written opinion to the compensation court, to the employer and the employee stating their findings, giving a description and explaining the basis of the findings and then, of course, receiving a fee for that examination. The questions are propounded by both parties to the IME to have them answer and then those decisions go, if admitted into evidence, with a presumed correctness, that is to say, they are rebuttably presumed to be correct. That means that somebody else will have to disprove this finding in order to persuade the court. Any health care provider acting without malice and within the scope of the provider's duties as an IME shall be immune from civil liability. I would urge the adoption of the IME. It has been identified as one of the major cost savings of the bill and, for that reason, I think it's appropriate. I'd urge its adoption.

SPEAKER BAACK: Thank you, Senator Lundis. A...you do have a priority motion.